

REMARKS

Claims 1-9, 11, 12, 14, 15 and 17-31 are pending in the application. Claims 10, 13, 15, 16, 21-26 and 31 are cancelled. Claims 1, 2, 4, 11 and 27 are amended herein. New claims 32-35 are added. Claims 1-9, 11, 12, 14, 17- 20, 27-29, 30, 32-35 remain for consideration.

Examiner's Response to Arguments

The Examiner states that,

Favorable consideration will be given if the counter weight being selectively offset is positively recited along with the structure that makes this possible.

In accordance with the Examiner's statement, Applicant has amended independent claim 1 to include the following limitations:

wherein said counter weight is affixed to a vertically adjustable mount that facilitates a degree of said offset for at least partially counterbalances counterbalancing weight on said second section of said support arm throughout a full range of motion from a work position to a vertical second position to allow for said support arm to be easily pivoted from [[a]] said work position to [[a]] said vertical second position

Independent claim 27 is amended to include the following limitations:

adjusting an orientation of said first section with respect to said second section of said support arm for counterbalancing weight of said selected items when said support arm is positioned in a vertical orientation.

thereby enabling said support arm to be vertically pivoted to a desired location with minimal effort.

New claim 32 is added with the following limitations:

a counter weight affixed to said receiving member of said support arm wherein said counter weight is selectively offset from a longitudinal axis of said support arm;

wherein said selective offset of said counterweight is adjustable so that offset counterbalances weight on said second section of said support arm to allow for said support arm to be easily pivoted from a work position to a vertical position.

Finally, new independent claims 33 and 34 have been added, which depend from claims 1 and 12, respectively, wherein the claims have the following limitations:

said first section of said support arm is pivotally connected to said second section of said support arm.

Claim Objections

The Examiner rejects claim 15 as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Examiner states that:

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 15 recites the same limitations as in lines 78 of claim 11 (a support engaging a second end of the support arm to stabilize the support arm in the working position).

Claim 15 is canceled.

Claim Rejections- 35 USC §112

The Examiner rejects claim 1 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that:

The term "may be" in lines 9 and 14 renders the claim indefinite since it is unclear whether the counterweight is actually offset from a longitudinal axis of the support arm.

Claim 1 is amended to replace the term "may be selectively" with --is-- in line 9. Also the last element, which had the second instance of "may be" is deleted. Amended claim 1 is submitted to be in compliance with §112.

Claim Rejections- 35 USC §103(a)

The Examiner rejects claims 1, 5-9 and 28 as being unpatentable over Reiher (U.S. Patent No. 6,027,093) in view of Rossko (U.S. Patent No. 6,702,373). The Examiner states that:

Reiher '093 discloses a workstation (10) that comprises a base (12). A riser (14) extending upwardly from the base. A support arm (18) pivotally connected to the riser (14), the support arm (18) having a first section on a first side towards end (20) of the riser (14) and a second section on a second side towards end (19) of the riser (14). A table (30) affixed to the second section of said support arm (18). A counter weight (22) affixed to the first section of said support arm (18). Wherein the counterweight (22) allows for the support arm (18) to be easily pivoted from a work position to a second position. The support arm (18) is rotates around the riser (14) in the

horizontal plane (col. 4, line 21- 24). The riser (14) is adapted to be adjustable with respect to height (col. 1, line 63). The table (30) is pivotally mounted on the support arm (18) (col. 4, line 4-6). The table (30) defines a plurality of retaining members (42) for affixing selected computer components to the table (30). The second position of the support arm (18) allows for a user to have unobstructed ingress to and egress from a human support device since the second position can be at an angle of 90 degrees or farther from the work position. The table (30) is adapted to be positioned to provide a work area for a user who is in a substantially reclined position, wherein the table (30) permits the user to support the user's elbows on a human support device such as a bed while accessing the work area (col. 1, line 5362).

Reiher '093 Figure 1

Reiher does not disclose expressly a support affixed to the riser for stabilizing the support arm when the arm is in the work position, wherein the second position of the support is substantial vertical due to a vertical pivot, and the counterweight is pivotal attached. Rossko '373 discloses a work station (30) with a pivot system (56) that is attached to a chair (32). As best shown in marked up figure 5 below, a support (A') is affixed to a riser (74) for stabilizing the support arm (78) when the support arm (78) is in the work position (Fig. 1). The support arm (78) is substantially vertical when in the second position as shown in figure 5. A counter weight (70) is pivotally affixed to the support arm via a cable (72).

Rossko '373 Figure 5

Rossko '373 Figure 1

The examiner considers the phrase "may be selectively offset" to say that the counter weight does not have to be offset since the selectively offset is not positively recited and is not offset at all times. At the time of the invention it would have been obvious for a person of ordinary skill in the art to combine the work station of Reiher and add the pivot system of Rossko so that the controls can be adjusted in all three axis (Rossko, col., 2, lines 44-46).

Regarding claim 28, at the time of the invention it would have been obvious

for a person of ordinary skill in the art to take the structure of Reiher and attach the cable of the counter weight of Rossko to the first section of the arm since they are art recognized equivalents.

Claim 1 is amended as follows:

wherein said counter weight is affixed to a vertically adjustable mount that facilitates a degree of said offset for at least partially counterbalances counterbalancing weight on said second section of said support arm throughout a full range of motion from a work position to a second position to allow for said support arm to be easily pivoted from [[a]] said work position to [[a]] said second position; and

~~wherein said counter weight may be selectively offset from a longitudinal axis of said support arm for counterbalancing articles on said table when said support arm is in said second position.~~

Neither Reiher nor Rossko, either alone or in combination, teach or suggest a counter weight that is affixed to a vertically adjustable mount that facilitates a degree of offset from a longitudinal axis of the support arm as is claimed in amended claim 1.

As is also set forth in amended claim 1, the counterweight is for at least partially counterbalancing weight on said second section for said support arm through a full range of motion from a work position to a second position. Counterbalancing through a full range of motion is made possible by offsetting the counterweight from the longitudinal axis of the support arm. As can be seen most clearly in Figure 2, by referring to the dashed lines showing the support arm in a vertical orientation, the offset results in the center of gravity of the counterweight being placed on an opposite side of the support arm

than the center of gravity of equipment mounted on table 104. Therefore, while no offset is required to counterbalance the weight of the table and equipment when support arm 50 is in a horizontal or work position, it is apparent that some offset of the counterweight is required to counterbalance the weight of the table and equipment when support arm 50 is in a vertical orientation. By utilizing the claimed vertically adjustable mount for the counter weight, weight is at least partially counter balanced throughout a full range of motion from a work position to a second position. The result is that minimal effort is required to manipulate support arm 50, which is advantageous for individuals who are injured or disabled.

The amendment regarding the vertically adjustable mount is supported on page 10, lines 1-2 of ¶[0039], which states, "A pivotal counter weight receiving member 100 is pivotally affixed to first end 54 of support arm 50." The vertically adjustable mount can also be seen in Figures 1, 2 and 6.

The amendment regarding the counterbalancing of the weight is supported at least on page 4, lines 18-19 of ¶[0014], which states, "The counter weight allows for the support arm to be easily pivoted from the work position to the second position by application of only finger pressure." And also on page 12, lines 4-8 of ¶[0043], which states,

If an appropriate amount of weight **102** has been affixed to the counterweight retaining member **100** then only fingertip pressure is required to manipulate the support arm **50** from an upright position to a horizontal or work position. Therefore, the workstation **10** of the invention is ideally suited for use by individuals having physical limitations such as back injury or other limitations.

Dependent claims 5-9 each depend from amended claim 1, which is submitted to be patentable. Dependent claims 5-9 are submitted to be patentable for at least this reason.

Claim 28 is canceled.

For at least the above reasons, allowance of claims 1, 5-9 is requested over Reiher and Rossko.

Claim Rejections- 35 USC §103(a)

The Examiner rejects claims 1 and 2 as being unpatentable over Habenicht et al. (U.S. Patent No. 6,712,008) in view of Rossko and Reiher. The Examiner states that:

Habenicht '008 discloses a workstation (10) with a base (11,12,13) that extends beneath a human support device (46). A riser (21) extends upwardly from the base. Connected to the riser (21) is a support arm (29) with tables (37,45) pivotally attached. A monitor (47) is securely attached to table (45) (col. 5, lines 21-26). The support arm (29) is adjustable in height and each table as adjustable arms to allow for an ergonomic work position (col. 5, lines 27-35).

Habenicht '008 does not disclose expressly the support arm being substantially vertical in the second position due to a vertical pivot and the support arm with a first and second section with a counter weight attached to the first section.

Rossko '373 discloses a work station (30) with a pivot system (56) that is attached to a chair (32). A support (A') is affixed to a riser (74) for stabilizing the support arm (78) when the support arm (78) is in the work position as shown in marked up figure 5. The support arm (78) is substantially vertical when in the second position as shown in figure 5. A counter weight (70) is attached to the support arm.

At the time of the invention it would have been obvious for a person of ordinary skill in the art to combine the work station of Habenicht and add the pivot system of Rossko to the riser of Habenicht so that the controls can be adjusted in all three axis and allow for a better ingress and egress (Rossko, col, 2, line 44-46).

Neither Rossko nor Habenicht disclose the counter weight being attached to a first section of the support arm.

Reiher discloses a counter weight (22) affixed to the first section of said support arm (18). Wherein the counterweight (22) allows for the support arm (18) to be easily pivoted from a work position to a second position. At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the structure of Habenicht in view of Rossko and extend the arm with a counter weight as is taught by Reiher since they are art recognized equivalents.

Claim 1 is amended to clarify that said counter weight *is affixed to a vertically adjustable mount that facilitates a degree of offset for at least partially counterbalancing weight on said second section of said support arm throughout a full range of motion from a work position to a vertical second position* to allow for said support arm to be easily pivoted

from said work position to said vertical second position.

None of the cited references either teach or suggest the claim limitations of amended claim 1.

Claim 2 depends from amended claim 1, which is submitted to be patentable. Claim 2 is submitted to be patentable for at least this reason. Claim 2 is additionally submitted to be patentable for at least the following reasons.

Claim Rejections- 35 USC §103(a)

The Examiner rejects claim 3 as being unpatentable over Habenicht et al. in view of Rossko and Reiher as applied to claim 2 above, and further in view of Dye (U.S. Patent Publication No. 2004/0025754). The Examiner states that:

Habenicht in view of Reiher and Rossko disclose every element as claimed and discussed above except components in communication with both ends of the base. Dye '754 discloses a work station (100) with a base (126) with flanges (118,124) that extend beneath a human support device. Components (146,123) in communication with a first end (124) of the base and components (116,144) in communication with a second end (118) of the base.

Dye '754 Figure 1

At the time of the invention it would have been obvious for a person of ordinary skill in the art to add components of Dye to the base of Habenicht in view of Reiher and Rossko to provide multiple work surfaces (Dye 754, col. 1, paragraph 2, line 3),.

Claim 3 depends from claim 2, which depends from claim 1. Both claims 1 and 2 are amended and are submitted to be patentable. Dependant claim 3 is submitted to be patentable for at least this reason.

Claim Rejections- 35 USC §103(a)

The Examiner rejects claim 4 as being unpatentable over Habenicht et al. in view of Rossko and Reiher as applied to claim 2 above, and further in view of Sahli (U.S. Patent No. 4,099,469). The Examiner states that:

Habenicht in view of Reiher and Rossko disclose every element as claimed and discussed above except a support for engaging a second end of the support arm when in the work position.

Sahli '469 discloses a workstation with a table top (7) pivotally attached to risers (2). Attached to the risers (2) are supports (1) which are used to support the table top (7) when the table top (7) is in the working position.

Sahli '469 Figure 1

At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the structure of Habenicht in view of Rossko and Reiher and use the teaching of Sahli to attach a support to the base leg (12) so that the support arm has improved stability when in the working position (Sahli, col, 1, line 64-65).

Regarding claim 29, At the time of invention it would have been obvious for a person of ordinary skill in the art to use a telescoping member in the base legs (12, 13) since it is well known to use telescoping mechanisms to allow for adjustability of frames.

Claim 4 is amended as follows:

a support for engaging a second end of said support arm and for restraining said support arm in a vertical and a horizontal direction to stabilize said support arm when said support arm is in said working position.

Applicant's claim 1, from which dependant claim 4 depends, requires a support arm connected to said riser at a vertical pivot. Habenicht et al. teaches a cantilevered slidably mounted arm, while Reiher teaches a table assembly 30 that is pivotable in a horizontal plane. Rossko teaches a pivotable front platform 34 that is pivotable in a vertical plane. Sahli's drafting table pivots in a plane parallel to the user. Each of the references teaches pivoting tables that are substantially different from one another. One skilled in the art would have no objective reason for combining the references. Applicant submits that the Examiner is using impermissible hindsight.

The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification (*In re Mills*, 916 F.2d 680, 682, 16 USPQ2d 1430 (Fed. Cir. 1990) (quoting *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984).

“Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references.” *In*

re Dembiczak, 175 F.3d at 999. See also *In re Ruiz*, 234 F.3d at 664 (explaining that the temptation to engage in impermissible hindsight is especially strong with seemingly simple mechanical inventions). This is because "Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability-the essence of hindsight." (*In re Dembiczak*, 175 F.3d at 999).

Claim 4 is further submitted to be patentable because claim 4 depends from independent claim 1, which is submitted to be patentable. Claim 4 is additionally submitted to be patentable for at least the reason that claim 4 has been amended to clarify that the work station comprising, "a support for engaging the second end of the support arm and for restraining said support arm in a vertical and a horizontal direction...". Habenicht et al., Reiher and Rossko fail to teach a support for engaging the second end of the support arm. Sahli teaches no "support arm" for being supported by any means. Even if Sahli is somehow interpreted to do so, Sahli's vertical leg 1b is only capable of restraining table plate 7 in a vertical direction. Therefore, none of the cited references, taken alone or in combination, teach or suggest the claimed, "support for engaging a second end of said support arm and for restraining said support arm in a vertical and horizontal direction to stabilize said support arm when said support arm is in said vertical position. Allowance of

claim 4 is requested.

Claim Rejections- 35 USC §103(a)

The Examiner rejects claims 11, 12, 15, 17-19 and 30 as being unpatentable over Habenicht in view of Reiher and Lin (U.S. Patent No. 6,425,631). The Examiner states that:

Habenicht '008 discloses a workstation (10) with a base (11,12,13) that extends beneath a human support device (46). A riser (21) extends upwardly from the base. Connected to the riser (21) is a support arm (29) with tables (37,45) pivotally attached. A monitor (47) is securely attached to table by retaining members such as straps (Col. 5, lines 21-26). The support arm (29) is adjustable in height and each table as adjustable arms to allow for an ergonomic work position (Col. 5, lines 27-35).

Habenicht does not disclose expressly the support arm pivotally connected to the riser, a support for engaging a second end of the support arm, a counter weight attached to a first section of the support arm while a second section is on the second side of the riser, and the riser being adapted to be adjustable with respect to height.

Reiher '093 discloses a workstation (10) that comprises a base (12). A riser (14) extending upwardly from the base. A support arm (18) pivotally connected to the riser (14), the support arm (18) having a first section on a first side towards end (20) of the riser (14) and a second section on a second side towards end (19) of the riser (14). A table (30) affixed to the second section of said support arm (18). A counter weight (22) affixed to the first section of said support arm (18). Wherein the counterweight (22) allows for the support arm (18) to be easily pivoted from a work position to a second position. The support arm (18) is rotated around the riser (14) in the horizontal plane (col. 4, line 21-24). The riser (14) is adapted to be adjustable with respect to height (col. 1, line 63). The table (30) is pivotally

mounted on the support arm (18) (col, 4, line 4-6). The table (30) defines a plurality of retaining members (42) for affixing selected computer components to the table (30). The second position of the support arm (18) allows for a user to have unobstructed ingress to and egress from a human support device since the second position can be at an angle of 90 degrees or farther from the work position. The table (30) is adapted to be positioned to provide a work area for a user who is in a substantially reclined position, wherein the table (30) permits the user to support the user's elbows on a human support device such as a bed while accessing the work area (col. 1, line 53-62).

Reiher '093 Figure 1

At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the structure of Habenicht and substitute in the pivoting riser and support arm structure of Reiher so that multiple surfaces can be used while still allowing ingress and egress.

Neither Reiher nor Habenicht discloses a support for engaging a second end of the support arm.

Lin '631 discloses a workstation that is pivotally attached to a human support device (10). At the second end of a support arm (22) is a support that is part of the u. shaped member (2) that extends to casters to stabilize the support arm (22) as it is pivotally connected to pivot shaft (11).

At the time of the invention, it would have been obvious for a person of ordinary skill in the art to take the structure of Habenicht in view of Reiher and add a support as taught by Lin so that the work surfaces can receive more and heavier items.

Regarding claim 30, At the time of invention it would have been obvious for a person of ordinary skill in the art to use a telescoping member in the base legs (12,13) since it is well known to use telescoping mechanisms to allow for adjustability of frames.

Independent claim 11 is amended to clarify that the support arm is pivotally connected to the riser to facilitate vertical pivoting of the support arm and to clarify that the support arm is stabilized in a vertical and a horizontal direction. Claims 12, 15, 17-19 and 30 depend from claim 11, which is submitted to be patentable. Claims 12, 15, 17-19 and 30 are submitted to be patentable for at least this reason. Independent claim 11 is submitted to be patentable for at least the same reasons as claims 1 and 4, above.

Claim Rejections- 35 USC §103(a)

The Examiner rejects claims 11, 15, 18-20 and 30 as being unpatentable over Habenicht in view of Rossko and Sahli. The Examiner states that:

Habenicht '008 discloses a workstation (10) with a base (11,12,13) that extends beneath a human support device (46). A riser (21) extends upwardly from the base. Connected to the riser (21) is a support arm (29) with tables (37,45) pivotally attached. A monitor (47) is securely attached to table (45) (Col. 5, lines 21-26). The support arm (29) is adjustable in height and each table as adjustable arms to allow for an ergonomic work position (Col. 5, lines 27-35).

Habeniocht '008 does not disclose expressly a support for engaging a second end of the support arm and the support arm being substantially vertical in the second position.

Rossko '373 discloses a work station (30) with a pivot system (56) that is attached to a chair (32). A support (A') is affixed to a riser (74) for stabilizing the support arm (78) when the support arm (78) is in the work position as shown in marked up figure 5 below. The support arm (78) is substantially vertical when in the second position as shown in figure 5.

Rossko '373 Figure 5
Rossko '373 Figure 1

At the time of the invention it would have been obvious for a person of ordinary skill in the art to combine the work station of Habenicht and add the pivot system of Rossko to the riser of Habenicht so that the controls can be adjusted in all three axis and allow for a better ingress and egress (Rossko, col, 2, lines 44-46).

Neither Rossko nor Habenicht disclose a support for engaging a second end of the support arm when in the work position.

Sahli '469 discloses a workstation with a table top (7) pivotally attached to risers (2). Attached to the risers (2) are supports (1) which are used to support the table top (7) when the table top (7) is in the working position.

Sahli '469 Figure 1

At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the structure of Habenicht in view of Rossko and use the teaching of Sahli to attach a support to the base leg (12) so that the support arm has improved stability when in the working position (Sahli, col. 1, line 64-65).

Regarding claim 30, At the time of invention it would have been obvious for a person of ordinary skill in the art to use a telescoping member in the base legs (12,13) since it is well known to use telescoping mechanisms to allow for adjustability of frames.

Independent claim 11 is amended to clarify that the support arm is pivotally connected to the riser to facilitate vertical pivoting of the support arm and to clarify that the support arm is stabilized in a vertical and a horizontal direction. Claims 12, 15, 17-19 and

30 depend from claim 11, which is submitted to be patentable. Claims 12, 15, 17-19 and 30 are submitted to be patentable for at least this reason. Independent claim 11 is submitted to be patentable for at least the same reasons as claims 1 and 4, above.

Claim Rejections- 35 USC §103(a)

The Examiner rejects claim 14 as being unpatentable over Habenicht in view of Reiher and Lin as applied to claim 11 above, and further in view of Dye. The Examiner states that:

Habenicht in view of Reiher and Lin disclose every element as claimed and discussed above except components in communication with both ends of the base. Dye '754 discloses a work station (100) with a base (126) with flanges (118,124) that extend beneath a human support device. Components (146,123) in communication with a first end (124) of the base and components (116,144) in communication with a second end (118) of the base.

Dye '754 Figure 1

At the time of the invention it would have been obvious for a person of ordinary skill in the art to add components of Dye to the base of Habenicht in view of Reiher and Lin to provide multiple work surfaces (Dye 754, col. 1, paragraph 2, line 3).

Claim 14 depends from independent claim 11, which is submitted to be patentable.

Claim 14 is submitted to be patentable for at least this reason.

Claim Rejections- 35 USC §103(a)

The Examiner rejects claim 14 as being unpatentable over Habenicht in view of Rossko and Sahli as applied to claim 11 above, and further in view of Dye. The Examiner states that:

Habenicht in view of Rossko and Sahli disclose every element as claimed and discussed above except components in communication with both ends of the base, Dye 754 discloses a work station (100) with a base (126) with flanges (118,124) that extend beneath a human support device. Components (146,123) in communication with a first end (124) of the base and components (116,144) in communication with a second end (118) of the base.

At the time of the invention it would have been obvious for a person of ordinary skill in the art to add the componets of Dye to the base of Habenicht in view of Rossko and Sahli to provide multipe work surfaces (Dye '754, col. 1, paragraph 2, line 3).

Claim 14 depends from independent claim 11, which is submitted to be patentable.

Claim 14 is submitted to be patentable for at least this reason.

Claim Rejections- 35 USC §103(a)

The Examiner rejects claims 21, 23, 24, 26 and 31 as being unpatentable over Habenicht in view of Rossko. The Examiner states that:

Habenicht '008 discloses a workstation (1Q) with a base (11,12,13) that extends beneath a human support device (46). A riser (21) extends upwardly form the base. Connected to the riser (21) is a support arm (29) with tables (37,45) pivotally attached. A monitor (47) is securely attached to table by

retaining members (45) (Col. 5, lines 2126). The support arm (29) is adjustable in height and each table as adjustable arms to allow for an ergonomic work position (Col. 5, lines 2735). Habenicht '008 discloses a workstation (10) with a base (11,12,13) that extends beneath a human support device (46). A riser (21) extends upwardly from the base. Connected to the riser (21) is a support arm (29) with tabs (37,45) pivotally attached. A monitor (47) is securely attached to table (45) (Col. 5, lines 21-26). The support arm (29) is adjustable in height and each table as adjustable arms to allow for an ergonomic work position (Col. 5, lines 27-35).

Habenicht '008 does not disclose expressly the support arm being substantially vertical in the second position.

Rossko '373 discloses a work station (30) with a pivot system (56) that is attached to a chair (32). A support (A') is affixed to a riser (74) for stabilizing the support arm (78) when the support arm (78) is in the work position as shown in figure 1. The support arm (78) is substantially vertical when in the second position as shown in figure 5.

At the time of the invention it would have been obvious for a person of ordinary skill in the art to combine the work station of Habenicht and add the pivot system of Rossko to the riser of Habenicht so that the controls can be adjusted in all three axis and allow for a better ingress and egress (Rossko, col. 2, line 44-46).

Regarding claim 31, At the time of invention it would have been obvious for a person of ordinary skill in the art to use a telescoping member in the base legs (12,13) since it is well known to use telescoping mechanisms to allow for adjustability of frames.

Claims 21, 23, 24, 26 and 31 are canceled. Cancellation of claims 21, 23, 24, 26 and 31 is made since other amended claims now cover the same subject matter. Cancellation of the claims should not be interpreted as acquiescence to the Examiner's claim

rejections or reasoning.

Claim Rejections- 35 USC §103(a)

The Examiner rejects claim 22 as being unpatentable over Habenicht in view of Rossko as applied to claim 21 above, and further in view of Case (U.S. Patent No. 5,630,566). The Examiner states that:

Habenicht in view of Rossko discloses every element as claimed and discussed above except the keyboard and monitor retained on the table when the table is pivoted vertically. Case '566 discloses a portable ergonomic work station (10), which comprises a riser (12). A support arm (28) extends from the riser (12). At the end (32) of the support arm (28) is a screen support means (34). A computer monitor (36) is supported by the screen support means (34). The connection means (30,31,32) allow adjusting of the support arm to an advantageous viewing position for the user (col. 5, line 813). Keyboard support means (24) hold the keyboard (26) and mouse attachment means (270) permit the mouse (268) to be moved yet remain attached to the vertically oriented mouse pad (266). At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the workstation of Habenicht in view of Rossko and use the teaching of Case to attach a keyboard and mouse to allow for efficient and comfortable movement of a disabled individual.

Claim 22 is canceled. Cancellation of claim 22 is made since prior amended claims now cover the same subject matter. Cancellation of the claims should not be interpreted as acquiescence to the Examiner's claim rejections or reasoning.

Claim Rejections- 35 USC §103(a)

The Examiner rejects claim 25 as being unpatentable over Habenicht in view of Rossko as applied to claim 21 above, and further in view of Reiher. The Examiner states that:

Habenicht in view of Rossko discloses every element as claimed and discussed above except the counter weight attached to a first section of the support arm. Reiher discloses a counter weight (22) affixed to the first section of said support arm (18). Wherein the counterweight (22) allows for the support arm (18) to be easily pivoted from a work position to a second position. At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the structure of Habenicht in view of Rossko and extend the arm with a counter weight as is taught by Reiher since they are art recognized equivalents.

Claim 25 is canceled. Cancellation of claim 25 is made since other amended claims now cover the same subject matter. Cancellation of claim 25 should not be interpreted as acquiescence to the Examiner's claim rejections or reasoning.

Claim Rejections- 35 USC §103(a)

The Examiner rejects claim 27 as being unpatentable over Rossko in view of Reiher. The Examiner states that:

Rosko '373 discloses a work station (30) with a pivot system (56) that is attached to a human support device (32). A support (A') is affixed to a riser (74) for stabilizing the support arm (78) when the support arm (78) is in the work position as shown in figure 1. The support arm (78) is substantially vertical when in the second position as shown in figure 5 which allows for

ingress and egress of the human support device (32). Rossko does not expressly disclose the counter weight attached to a first section of the support arm, Reiher discloses a counter weight (22) affixed to the first section of said support arm (18). Wherein the counterweight (22) allows for the support arm (18) to be easily pivoted from a work position to a second position. At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the structure of Habenicht in view of Rossko and extend the arm with a counter weight as is taught by Reiher since they are art recognized equivalents.

Claim 27 is amended to add a step of adjusting an orientation of said first section of said support arm for counterbalancing weight of selected items when said support arm is positioned in a vertical orientation.

Neither Rossko nor Reiher either teaches or suggests such a step. Allowance of claim 27 is requested.

Considering the foregoing, it is sincerely believed that this case is in condition for allowance, which is respectfully requested.

This paper is intended to constitute a complete response to the outstanding Office Action. Please contact the undersigned if it appears that a portion of this response is missing or if there remain any additional matters to resolve. If the Examiner feels that processing of the application can be expedited in any respect by a personal conference, please consider this an invitation to contact the undersigned by phone.

Respectfully submitted,

Date:

2-28-06


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